

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR108
)	
v.)	
)	
COREY L. KNIGHT,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court pursuant to 28 U.S.C. § 2253(c)(1)(B). On December 15, 2006, the defendant filed a motion pursuant to 28 U.S.C. § 2255 (Filing No. 49). On January 18, 2007, this Court filed an opinion, together with an order and judgment denying defendant's § 2255 motion (Filing Nos. 51 and 52).

Subsequently, on February 5, 2007, the defendant filed a motion for rehearing and clarification (Filing No. 53), and on February 9, 2007, he filed a motion for reconsideration of this Court's memorandum opinion and order of January 18, 2007 (Filing No. 54). On March 29, 2007, the Court denied defendant's motions for rehearing and clarification and for reconsideration (Filing No. 55).

The defendant has now filed a notice of appeal (Filing No. 56) which he erroneously claims to be an appeal "from the judgment of conviction and sentence rendered against him and sentence imposed by the district court for the District of

Nebraska of the State of Nebraska, on, or about March 29, 2007."

The judgment and conviction of sentence, however, was filed on February 3, 2006 (Filing No. 41). The present notice of appeal could only apply to this Court's order of March 29, 2007, denying his motion for rehearing and clarification of this Court's order of January 18, 2007.

Before the defendant can proceed, 28 U.S.C. § 2253 requires that a certificate of appealability be issued. That section further provides that a certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right. The Court has reviewed all the filings and finds that defendant has not made a substantial showing of the denial of a constitutional right. Accordingly,

IT IS ORDERED that no certificate of appealability is issued.

DATED this 10th day of April, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court